

Attorney Docket No.: DC-0199  
Inventors: Cheung et al.  
Serial No.: 10/043,539  
Filing Date: January 11, 2002  
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#### REMARKS

Claims 1-27 are pending in the instant application. Claims 1- 21, 26, and 27 have been canceled in response to the restriction requirement.

#### I. Restriction under 35 U.S.C. 121

The Examiner has made the following restriction requirement:

Group I, claims 1-6 and, drawn to DNA, vector and Host cell, classified in classes 536 and 435, subclasses 23.1 and 252.3.

Group II, claims 7-12, drawn to a method of identifying an agent which inhibits the growth of bacteria and a method of inhibiting growth, classified in class 536, subclass 32.

Group III, claims 13-16, drawn to a pharmaceutical composition, classified in class 536, subclass 23.7.

Group IV, claims 17-19, drawn to a polypeptide, classified in class 530, subclass 300.

Group V, claim 20, drawn to a kit for identifying the presence of a gene, classified in class 435, subclass 6.

Group VI, claims 21 and 27, drawn to a pharmaceutical composition and a method of treating a mammal by using a compound capable of selective occupation of a receptor, classified in class 514, subclass 44.

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Group VII, claims 22-25, drawn to a pharmaceutical compositions and methods of screening, classified in class 514, subclass 2.

More specifically, the Examiner suggests that the inventions I, III, IV, V are distinct because the claims are drawn to distinct products. It is further suggested that they are drawn to materially and structurally distinct products.

The Examiner suggests that inventions II, VI, and VII are drawn to different and distinct methods which differ in objectives, steps, reagents and material used.

The Examiner suggests that inventions I and II, and I and VI, are related as a product and process of use. The Examiner further suggests that the DNA and protein of group I can be used in PCR.

The Examiner suggests that groups I and V are unrelated because the DNA of group I and the kit of group V are not related to each other. The Examiner further suggests that groups II and VI are unrelated because the method of group II is not needed for a process of group VI.

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## II. Conclusion

Applicants elect to prosecute group VII, claims 22-25, drawn to pharmaceutical compositions and methods of screening. Claims 1-21, 26 and 27 have been canceled, with Applicants reserving the right to file continuing applications.

Respectfully submitted,



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